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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/455,823	12/06/1999	KENNETH A. FREELING	Freeling-P1-99	5609

7590 01/17/2003
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EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/455,823	Applicant(s) FREELING ET AL.	
	Examiner Mary Cheung	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8, 12-15, 20, 22, 24/1-3, 24/5-8, 24/12-15, 24/20, 24/22, 27-31 is/are rejected.
- 7) ☒ Claim(s) 4, 9-11, 16-19, 21, 23, 24/4, 24/9-11, 24/16-19, 24/21, 24/23, 25-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 5-8, 12-15, 20, 22, 24/1-3, 24/5-8, 24/12-15, 24/20, 24/22 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challener et al., U. S. Patent Number 6,081,793 in view of McClure et al., U. S. Patent Number 6,250,548.

As to claim 1, Challener teaches a computer-aided method for conducting a poll with high reliability to produce a demographic profile corresponding to an accumulation of response data from encrypted identities, the method including (abstract and Figs. 1A, 2A and 7):

for each one of a plurality of local computers, carrying out registration substeps of (Figs. 1A-2A, 4):

(i.) receiving an application for participant registration, the application including participant identification data and participant demographic data (column 3 lines 10-23 and column 4 lines 24-46 and Figs. 2, 4);

(ii.) if said application is accepted, then issuing respective registration data, including encrypted participant identification data (column 3 lines 10-23 and column 4 lines 24-46 and Figs. 2, 4);

thereafter, for a portion of the local computers, carrying out polling substeps of (Figs. 1A-2A, 4):

(iii.) receiving digital signals over the Internet including the encrypted participant identification data and poll response data for a first question in a poll (Figs. 7-8);

(iv.) responsive to said receiving of said encrypted participant identification data, preventing tampering and repudiation in response to the first question (Figs. 7-8);

associating the encrypted participant identification data, the response data, and the demographic data, respectively, to produce a demographic profile corresponding to an accumulation of the response data from encrypted identities (Fig 7).

Challener does not specifically teach preventing more than one respective response to the first question. McClure teaches a voter is able to cast one and only one ballot (column 36 lines 66-67). It would have been obvious to one of ordinary skill in the

art at the time the invention was to allow the voting system of Challenger to include the feature of only allowing voter to cast one ballot because it would prevent the vote being repudiated.

As to claim 2, the method of Challenger modified by McClure does not specifically teach devoid of the participant identification data. It would have been obvious to one of ordinary skill in the art to include the feature of devoid of the participant identification data because the next voter or other people who review the voting screen would not know whom said participant voted for, and it would keep voting privacy for said participant.

As to claim 3, Challenger teaches generating a printed report including data generated from the accumulation of the response data and from the participant demographic data (Figs. 1A, 1C).

As to claim 5, generating a report including data generated from the group consisting of the accumulation of response data from the first question, an accumulation of response data for a second question, and the demographic data is taught by Challenger as generating the election results from the valid ballots (Fig. 1A).

As to claim 6, Challenger teaches the step of off line generating certificates of authorization as a portion of said registration data (column 4 lines 24-46).

As to claim 7, Challenger teaches said certificates include a periodic time limit requiring updating said demographic data (column 4 line 59 – column 5 line 5).

As to claim 8, said demographic data cannot be modified under participant control is taught by Challenger as updating said demographic data by the network distribution system user (column 4 line 59 – column 5 line 5).

As to claim 12, said demographic data including a data set of at least three members from the group consisting of residence, age, gender, party, income, and race is taught by Challenger as the demographic data includes voter's name, address, voter registration number, social security number, driver's license number, or any other identification data (column 7 lines 54-57).

As to claim 13, said demographic data including a data set of at least two members of the group consisting of residence, age, gender, party, income, and race is taught by Challenger as the demographic data includes voter's name, address, voter registration number, social security number, driver's license number, or any other identification data, and said members are verified in determining if said application is accepted, said members verified by checking at least one source from the group consisting of a charge card, a debit card, a bank card, and a drivers license (column 7 lines 54-57).

As to claim 14, Challenger teaches the encrypted participant identification data is made verifiable by using a public key cryptographically-based digital signature (Figs. 2A, 7).

As to claim 15, Challenger teaches generating a private key and a public key pair, and associating the public key with the demographic data and generating a respective participant client-side certificate (Figs. 2A, 7).

As to claim 20, Challenger teaches providing equivalent computer systems for carrying out the step of receiving the digital signals over the Internet, said equivalent computer systems communicating to form the accumulation of response data (Figs. 1A, 1C).

As to claim 22, Challenger teaches encrypting a database formed by carrying out said step of associating (Figs. 7-8).

As to claims 24/1, 24/2, 24/3, 25/5, 24/6, 24/7, 24/8, 24/12, 24/13, 24/14, 24/15, 24/20 and 24/22, Challenger teaches the step of issuing respective registration data, including encrypted participant identification data, includes issuing a schema including said participant demographic data (Figs. 2A, 7).

As to claim 27, it is rejected under the similar reason as claim 1. In addition, the encrypted participant identification data respectively with said registration data and the query-responsive digital signals in producing an accumulation such that it is not possible to directly associate said participant identification with either said registration data or said query-responsive digital signals is taught by Challenger as the participant identification data and registration data have to be encrypted (column 7 line 38- column 8 line 9 and Fig. 7).

Claims 28-29 are rejected for the similar reason as claim 1.

As to claim 30, Challenger teaches issuing respective registration data as an electronic message (Figs. 1A, 2A, 7). Challenger does not specifically state said registration data stored in a browser. However, McClure teaches storing the registration data as an electronic message in a browser (column 36 lines 23-58). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to allow the registration data of Challenger to be stored in a browser so that the voter with a proper access code would be able easily to access his or her registration information.

As to claim 31, Challenger teaches issuing respective registration data into memory of a smart card (Fig. 2A).

Allowable Subject Matter

4. Claims 4, 9-11, 16-19, 21, 23, 25-26, and 24/4, 24/9, 24/10, 24/11, 24/16, 24/17, 24/18, 24/19, 24/21, 24/23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed November 7, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument that Challenger fails to teach associating the encrypted participant identification data as claimed in claims 1, 28 and 29, examiner believes that Challenger teaches this matter, in particular at column 7 lines 50-60.

In response to applicant's argument that Challenger fails to teach the amended limitations in claim 27, examiner has revised the rejection accordingly.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

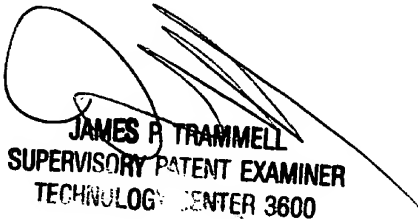
The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 305-7687 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Mary Cheung
Patent Examiner
Art Unit 3621
January 14, 2003


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